



Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P11739WO	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/DE2003/002381	International filing date (day/month/year) 15 July 2003 (15.07.2003)	Priority date (day/month/year) 02 August 2002 (02.08.2002)
International Patent Classification (IPC) or national classification and IPC H04Q 7/22		
Applicant SIEMENS AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 22 December 2003 (22.12.2003)	Date of completion of this report 25 October 2004 (25.10.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

I. Basis of the report

1. With regard to the elements of the international application:*

 the international application as originally filed the description:

pages 1-25, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

 the claims:

pages _____, as originally filed

pages _____, as amended (together with any statement under Article 19)

pages _____, filed with the demand

pages 1-13, filed with the letter of 20 August 2004 (20.08.2004)

 the drawings:

pages 1/3-3/3, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

 the sequence listing part of the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

 contained in the international application in written form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. The amendments have resulted in the cancellation of: the description, pages _____ the claims, Nos. _____ 14 the drawings, sheets/fig _____5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments*):

Continuation of : I.6

1. The present international preliminary examination report is established on the basis of the amendments submitted with the letter of 20 August 2004, which fully comply with requirements of PCT Article 34(2)(b) concerning the disclosure in the international application as filed.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

DE 03/02381

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	1-13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: EP-A-0 944 275 (HITACHI LTD) 22 September 1999

D2: WO-A-00/72609 (ERICSSON TELEFON AB L M)

30 November 2000

D3: "3RD GENERATION PARTNERSHIP PROJECT; TECHNICAL SPECIFICATION GROUP RADIO ACCESS NETWORK; RADIO INTERFACE FOR BROADCAST/MULTICAST SERVICES (RELEASE 1999)" 3GPP TR 25.925 V3.4.0, March 2001, pages 1-31, XP002191629.

2. The present application complies with the requirements of PCT Article 33(1), because the subject matter of **claims 1 to 13** is **novel, inventive and industrially applicable** (PCT Article 33(2) to (4)).

2.1 Document **D1**, which is considered to be the closest prior art, discloses a **method for transmitting useful data messages** from a network element of a radiocommunications system via at least one transmission channel to one or more subscriber terminals of the radiocommunications system. The transmission of useful data messages takes place by means of frames, which are divided into sub-frames. Information (contents guidance field 213) concerning the contents of the respective sub-frames (e.g.,

title of contents 302; the themes of the contents; cf. paragraphs [0036], [0037] and [0098]) and concerning the starting time and length of the transmission (broadcast start time 303, data length 307; paragraph [0039]) is provided in frame headers.

Thus, subscriber terminals need only be active at those times at which desired data or useful data messages are sent in order to receive and process them, and can thereby save energy.

The method of D1, however, has the **drawback** that, before receiving the useful data messages, the subscriber terminal obtains no indication of the form (with respect to the processing by a subscriber terminal) that the useful data messages will take. In particular, it obtains no indication of the type of data or of the coding of the useful data messages.

The problem addressed by the present invention can therefore be considered that of achieving efficient, resource- and energy-saving transmission of data or useful data messages to one or more subscriber terminals.

2.2 **Claim 1** describes a **method** for transmitting useful data messages from a network element of a radiocommunications system via at least one transmission channel to one or more subscriber terminals wherein, by means of a planning message, **the form of the useful data messages is announced before they are transmitted, the form of the useful data messages to be transmitted comprising the type of data and/or the coding.**

Independent claims 12 and 13 each describe a **subscriber terminal** and a **radiocommunications system** for carrying out the method as per **claim 1**.

Since the above-mentioned features are not disclosed in D1, the subject matter of **claims 1, 12 and 13** is **novel** within the meaning of PCT Article 33(2).

2.3 The **advantage** of the present invention is that the announcement of the form of the useful data messages in terms of the **type of data** and/or the **coding** enables the subscriber terminal to determine whether, on the basis of its own resources, it is capable anyway of processing the useful data messages to be subsequently transmitted. In particular, in the transmission of messages with large multimedia contents, the present invention allows the subscriber terminals to refrain from receiving or processing these messages.

No indications that would suggest the possibility of the announcement of the **type of data** and/or the **coding** of the expected useful data messages are to be found in D1 or the other cited documents.

Moreover, the **method**, **subscriber terminal** and **radiocommunications system** proposed in the application are regarded as non-obvious to a person skilled in the art, because the features described therein are not derivable directly or indirectly from the available prior art.

Consequently, the subject matter of **claims 1, 12 and 13** involves an inventive step within the meaning of PCT Article 33(3).

2.4 The present invention as per **claims 1 to 13** is obviously **industrially applicable** as well (PCT Article 33(4)).

2.5 Dependent **claims 2 to 11** contain additional features of the method as per **claim 1** and as such also meet the requirements of PCT Article 33(2) to (4) with

regard to novelty, inventive step and industrial applicability.

3. Irrespective of the positive findings in respect of PCT Article 33(2) to (4), the present application does not comply with the requirements of PCT Article 6, because **claim 12 is not clear**.

The expression "..., the subscriber terminal being configured in such a way as to receive only those useful data messages which ..." in **claim 12** (lines 9 and 10) should be avoided, because it attempts to define the subject matter in terms of the result to be achieved (i.e., reception of those messages which ...).

To overcome this defect, the technical features necessary for achieving this result would have to be included in the claim (PCT Examination Guidelines, paragraph III-4.7).

4. The following **defects** in the international application are also noted:

4.1 Contrary to PCT Rule 5.1(a)(ii), the description does not cite documents **D1 to D3** or indicate the relevant prior art disclosed therein.

4.2 **Independent claims 1, 13 and 14** should have been drafted in the **two-part form** defined by PCT Rule 6.3(b), that is, the features known in combination from the prior art (document **D1**) should have been placed in the preamble (PCT Rule 6.3(b)(i)) and the remaining features specified in the characterising part (PCT Rule 6.3(b)(ii)).

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

T/DE 03/02381

4.3 The applicant should have brought the description into line with the amended claims filed (cf. page 3, lines 30 and 31; page 5, lines 7 to 9).